USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10-21-16

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

JASON GALANIS,

Defendant.

STIPULATION AND ORDER

15 Cr. 643 (PKC)

WHEREAS, on or about September 23, 2015, JASON GALANIS (the "Defendant"), was charged in a nine-count Indictment 15 Cr. 643 (PKC) (the "Information"), with conspiring to commit securities fraud, in violation of Title 18, United States Code, Section 371 (Counts One and Eight); securities fraud, in violation of Title 15, United States Code, Sections 78j(b) and 78ff; Title 17, Code Federal Regulations, Section 240.10b-5; and Title 18, United States Code, Section 2 (Counts Two and Nine); conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 1349 (Count Three); wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2 (Count Four); and investment advisor fraud in violation of Title 15, United States Code, Sections 80b-6 and 80b-17 (Counts Five through Seven);

WHEREAS, the Information included a forfeiture allegation as to Counts One through Nine of Indictment seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, of any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of the offenses alleged in Counts One through Nine of the Indictment;

WHEREAS, on or about July 21, 2016, the Defendant pled guilty to Counts One, Two, Five and Eight of the Indictment and admitted the forfeiture allegation with respect to Counts One, Two, Five and Eight of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, a sum of money equal to $37,591,681.10 in United States currency, representing any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of the offenses alleged in Counts One, Two, Five and Eight of the Indictment and all, right, title and interest of the Defendant in, among other things, 260 West Broadway, Unit 1, New York, New York 10013 (the "Subject Property");

WHEREAS, on or about August 15, 2016, the Court entered a Consent Preliminary Order of Forfeiture as to Specific Properties/Money Judgment (the "Order of Forfeiture") which (i) ordered the entry of a forfeiture money judgment in the amount of $37,591,681.10; and (ii) forfeited all right, title and interest of the Defendant in, among other things, 260 West Broadway, Unit 1, New York, New York (the "Subject Property")(Docket Entry 226);

WHEREAS, on or about September 15, 2016, the Government sent notice of the Order of Forfeiture to Emerald Creek Capital, LLC, ("Emerald");

WHEREAS, Emerald has notified the Government of its potential interest in the Subject Property;

WHEREAS, Emerald has requested additional time to file claims for the Subject Property;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Preet Bharara, United States Attorney, Assistant United States Attorney Edward Diskant, of counsel, and Emerald, by its counsel, Dani Schwartz, Esq., that:

1. Emerald shall have until November 30, 2016 to file claims pursuant to 21 U.S.C. § 853(n) and Federal Rule of Criminal Procedure 32.2 (c) for any or all of the Subject Property.

2. This Stipulation and Order may be executed in counterparts, each of which shall be deemed an original, and all of which, when taken together, shall be deemed the complete Stipulation and Order. Signature pages may be by fax and such signatures shall be deemed as valid originals.

AGREED AND CONSENTED TO:

PREET BHARARA
United States Attorney for the
Southern District of New York

By: ______________________
EDWARD DISKANT
Assistant United States Attorney
One St. Andrew=s Plaza
New York, NY 10007
(212) 637-2294

10/17/16
DATE

[ADDITIONAL SIGNATURES ON FOLLOWING PAGE]

Case 1:15-cr-00643-PKC Document 301-1 Filed 10/17/16 Page 5 of 5

By: ______________________________ 10/14/16
DANI SCHWARTZ, ESQ. DATE
Attorney for Emerald Creek Capital, LLC
Rosenberg and Estis, P.C.
733 Third Avenue
New York, New York 10017
(212) 551-8489

SO ORDERED:

______________________________ 10-21-16
HONORABLE P. KEVIN CASTEL DATE
UNITED STATES DISTRICT JUDGE